

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SOCIETY OF THE HOLY
TRANSFIGURATION MONASTERY,
INCORPORATED,

Plaintiff,

v.

ARCHBISHOP GREGORY OF DENVER,
COLORADO,

Defendant.

Civil Action No. 1:07-cv-12387-RGS

REQUEST FOR ORAL ARGUMENT

PLAINTIFF'S MOTION FOR ENTRY OF PROTECTIVE ORDER

Plaintiff Society of the Holy Transfiguration Monastery, Incorporated (the "Monastery") respectfully moves this Court for entry pursuant to Fed. R. Civ. P. 26(c) of the Monastery's attached proposed protective order concerning confidential discovery materials ("Proposed Protective Order," attached as Exh. A). The Monastery seeks the protections of the narrowly drafted Proposed Protective Order to keep certain non-public documents out of the public domain and to keep two types of documents, specifically, financial information and customer information, from being disclosed to Defendant Archbishop Gregory.

The parties have reached agreement with respect to the majority of the terms of the Protective Order. However, the parties have been unable to reach agreement with respect to the following: (1) Defendant will not agree to a provision that precludes public disclosure of private correspondence under the designation of CONFIDENTIAL under Paragraph 2(a) and (2) Defendant will not agree to a provision which limits access to HTM's sensitive business information, including financial information and customer and vendor information to outside counsel and experts under the designation of HIGHLY CONFIDENTIAL—ATTORNEYS'

EYES ONLY, as set forth in Paragraphs 2(b) and 6(b). The provisions to which the parties do not agree are underlined in Exhibit B to this Motion.

As discussed in further detail in the attached Memorandum, there is good cause for such heightened protection and the proposed Protective Order is narrowly tailored to adequately balance Plaintiff's concerns and privacy needs against Defendant's right to discovery.

ACCORDINGLY, for the reasons stated in the attached memorandum, Plaintiff respectfully requests that the Court enter the Proposed Protective Order pursuant to Fed. R. Civ. P. 26(c).

CERTIFICATION ACCORDING TO LOCAL RULE 7.1

Counsel for Plaintiff certifies that it conferred with counsel for Defendant by telephone and email correspondence over the past three months, most recently on February 10, 2009, in a good faith attempt to resolve or narrow the issues. The parties agree to all terms of the Proposed Protective Order but for the inclusion of "correspondence" in Paragraph 2(a) and the provisions of Paragraphs 2(b) and 6(b), as set forth in more detail in the accompanying memorandum.

Dated: February 10, 2009

/s/ Courtney M. Quish

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CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on this 10th day of February, 2009.

/s/ Courtney M. Quish

Courtney M. Quish